

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LOIS BENOIT,

Plaintiff,

-against-

6:05-CV-0417
(LEK/GJD)

JO ANNE B. BARNHART, Commissioner
of Social Security

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 8, 2007, by the Honorable Gustav J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec. (Dkt. No. 8).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to the Magistrate Judge's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

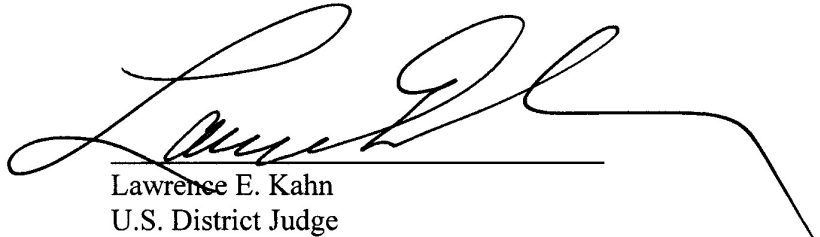
ORDERED, that the Report-Recommendation (Dkt. No. 8) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the decision of the Commissioner be **REVERSED** and **REMANDED** pursuant to **SENTENCE FOUR** of 42 U.S.C. § 405(g) for further proceedings consistent with the report; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: February 22, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge